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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,572	04/04/2006	Hiroki Monta	2006-0515A	9279
52349 7590 08/24/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
CHOKSHI, PINKAL R				
ART UNIT		PAPER NUMBER		
2425				
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08/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,572

Applicant(s)

MONTA ET AL.

Examiner

PINKAL CHOKSHI

Art Unit

2425

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3.5 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3.5 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/10/2009 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/18/2009 with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. See the new rejections below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3, 5 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over US PG Pub 2005/0028208 to Ellis et al (hereafter referenced as Ellis) in view of US PG Pub 2003/0131356 to Proehl et al (hereafter referenced as Proehl).

Regarding **claim 1**, “a view programming system capable of programming a viewing of a show by a user that the user wants to view, from among shows composed of content data provided from a content data source” reads on the remote program guide access device connected to television equipment to view or set a reminder by a user for a program from the list of program guide data received from head-end (abstract and ¶0015) disclosed by Ellis and represented in Fig. 1.

As to “the view programming system comprising: a show receiving apparatus capable of receiving the shows” Ellis discloses (¶0134) that the remote access device provides user to select a program listing of a television program that is being broadcast as represented in Fig. 1 (element 24).

As to “a view programming apparatus capable of storing programmed show information related to the show for which the viewing has been programmed by the user, the view programming apparatus storing the programmed show information when the programming of the viewing of the show is performed” Ellis discloses (¶0110, ¶0115) that the television receiving apparatus stores program information or obtains program information that user desired from the storage device. Ellis further discloses (¶0129, ¶0138) that the remote access device programmed with television equipment, where user profile and program information are stored, provides user to control television equipment as represented in Fig. 1 (element 17).

As to "wherein the view programming apparatus transmits the programmed show information related to the show, for which the viewing has been programmed by the user, to the show receiving apparatus via a network by using a first electronic mail" Ellis discloses (§0119) that the reminder, about a user's desired program, is sent as an e-mail message as represented in Fig. 9. Ellis further discloses (§0103, §0104 and §0106) that the remote access device receives programming information via email from television equipment as represented in Figs. 7 and 8. Ellis further discloses (pg.22, claim 1) that the user selects a future programming content from the plurality of programming contents.

As to "the first electronic mail being transmitted at a show start notifying time that is earlier by a predetermined time than a broadcast start time of the show for which the viewing has been programmed by the user" Ellis discloses (§0111, §0118 and §0119) that a reminder email is transmitted to remote access device at an appropriate time before the selected program is scheduled to air.

As to "wherein the show receiving apparatus receives the first electronic mail via the network" Ellis discloses (§0094, §0106, §0136) that the remote access device and television equipment exchange program information using e-mail through SNMP protocol using compute network.

As to "wherein, in accordance with the received first electronic mail, the show receiving apparatus displays the programmed show information of only the show, for which the viewing has been programmed by the user, and displays a view form message group allowing the user to select a view form for the show for

which the viewing has been programmed by the user” Ellis discloses (§¶0119) that the email includes a reminder of a program information set by the user as represented in Fig. 9. Furthermore, Boyer (US Pub 2002/0026496), who is incorporated in entirety by Ellis, discloses (§¶0051) that the receiver receives an email message with the name of the program and information about the program that user set it up as represented in Fig. 6.

As to “wherein, in accordance with the displayed programmed show information and the displayed view form message group, the show receiving apparatus allows the user to select whether to view or record the show for which the viewing has been programmed by the user” Ellis discloses (§¶0106 and §¶0123) that the remote access device receives user’s favorite programs list based on user’s profile preference set for favorite programs via email. Ellis further discloses (§¶0125-§¶0127) that based on user’s favorite program received on remote access device, user selects to record his favorite program.

Ellis meets all the limitations of the claim except “displays a view form message group allowing the user to select a view form for the show for which the viewing has been programmed by the user, where the show receiving apparatus allows the user to view or record the show.” However, Proehl discloses (§¶0036) that based on the user’s selected program, a message displayed to the user that provided multiple options to users such as to record the program or tune to program as represented in Fig. 11 (element 1110). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to

modify Ellis' system to display a message that allows user to view/record the program as taught by Proehl so based on user's availability, user has an option to view the program either now or at a later time by recording the program on the device.

Regarding **claim 2**, "the view programming system wherein the view programming apparatus comprises: show information obtaining means of obtaining show information indicating a schedule on which the shows are to be provided" Ellis discloses (¶0066 and ¶0067) that the television equipment receives EPG that includes program listing data from main facility as represented in Fig. 1.

As to "displaying means of displaying a show table based on the obtained show information (EPG)" Ellis discloses (¶0070 and ¶0073) that the display screen of television equipment displays EPG data generated by program guide server.

As to "view programming information generating means of generating the programmed show information in response to a user's selection input of a show, for which the viewing is to be programmed based on the displayed show table" Ellis discloses (¶0113-¶0114) that the based on the EPG displayed on the screen, user selects a program using cursor, touch sensitive screen, etc on user interface to receive program information.

As to “first electronic mail generating means of generating the first electronic mail in association with an electronic mail address assigned to the reception apparatus” Ellis discloses (§¶0106 and ¶0119) that the television equipment exchange program guide data to remote access device using email message. It is inherent that email address must be known to send an email to a destination device. Furthermore, Boyer discloses (§¶0043) that the email address is provided from the receiving device as represented in Fig. 3 (element 418).

As to “first electronic mail transmitting means of transmitting the first electronic mail to the electronic mail address” Ellis discloses (§¶0106) that the television equipment transmits program guide data to remote access device using email message. It is inherent that email address must be known to send an email to a destination device. Furthermore, Boyer discloses (§¶0051) that the email is sent to the email address provided by the user earlier as represented in Fig. 6 (element 611).

Regarding **claim 3**, “the view programming system wherein the programmed show information includes (i) information indicating a broadcast start time and a broadcast end time of the show for which the viewing is programmed, and (ii) a source from which the show, for which the viewing is programmed, is obtained” Ellis discloses (§¶0116) that the program guide data represented on remote access device includes show start/end time as well as channel number as represented in Fig. 8.

Regarding **claim 5**, "the view programming system wherein the first electronic mail further contains a predetermined message" Ellis discloses (§0106, §0111 and §0116) that the email transmitted to remote access device includes predefined criteria for a program.

Regarding **claim 9**, "the view programming system wherein the show receiving apparatus displays the show, for which the viewing is programmed based on the programmed show information" Ellis discloses (§0115-§0118) that the user views selected program video after user receives a reminder for a program to be air.

5. **Claims 8, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Proehl as applied to claim 5 above, and further in view of US PG Pub 2002/0174430 to Ellis (hereafter referenced as Ellis '430).

Regarding **claim 8**, "the view programming system wherein the view programming apparatus further comprises first recording means of recording a received show" Ellis discloses (§0084) that the storage device in television equipment STB stores audio/video programs received as represented in Fig. 3 (element 31).

As to "the show receiving apparatus comprises: second electronic mail generating means of generating a second electronic mail as a return mail with

respect to the first electronic mail" Ellis discloses (§0106) that the television equipment and remote access device exchange information via email communication. Ellis further discloses (§0137) that the remote access device responds to a command received from television equipment by issuing an access communication (email) back to television equipment.

As to "second electronic mail transmitting means of transmitting the second electronic mail to the view programming apparatus" Ellis discloses (§0137) that the remote access device responds to a command received from television equipment by transmitting an access communication (email) back to television equipment.

As to "the view programming apparatus records the show, for which the viewing is programmed, into the first recording means" Ellis discloses (§0091 and §0115) that based on the command received from the user, television equipment records the programming show on the storage device.

Combination of Ellis and Proehl meets all the limitations of the claim except "when the view programming apparatus does not receive the second electronic mail by the broadcast start time." However, Ellis '430 discloses (§0304) that user receives a reminder message on the device and if there is no response received from user, then the system automatically begin recording of the scheduled program as represented in Fig. 34. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis and Proehl's inventions by adding recording feature that starts

recording a scheduled program even if no response is received from user as taught by Ellis '430 so the user does not have to waste time by selecting/pressing keys on the input device to record a program that he/she desires.

Regarding **claim 10**, "the view programming system wherein the show receiving apparatus further comprises second recording means of recording the received show, and records the show, for which the viewing is programmed, into the second recording means based on the programmed show information" Ellis discloses (§10115) that the user may schedule program for recording by storage device of remote access device as represented in Fig. 5 (element 56).

Regarding **claim 13**, "the view programming system wherein, when receiving the first electronic mail, the show receiving apparatus (i) displays the predetermined message, (ii) transmits the second electronic mail when the show, for which the viewing is programmed, is not recorded in the view programming apparatus" Ellis '430 discloses (§10304) that if user wishes to watch the program then he/she selects the message to watch and cancel to watch the program and cancel recording. As to "(iii) does not transmit the second electronic mail when the show, for which viewing is programmed, is recorded in the view programming apparatus" Ellis '430 discloses (§10304) that user receives a reminder message on the device and if there is no response received from user, then the system automatically begin recording of the scheduled program as represented in Fig.

34. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis's invention by adding recording feature that starts recording a scheduled program even if no response is received from user as taught by Ellis '430 so the user does not have to waste time by selecting/pressing keys on the input device to record a program that he/she desires.

6. **Claims 11 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Proehl as applied to claim 1 above, and further in view of US PG Pub 2003/0023987 to Hiramoto et al (hereafter referenced as Hiramoto).

Regarding **claim 11**, combination of Ellis and Proehl meets all the limitations of the claim except "the view programming system wherein a password is set for each corresponding show receiving apparatus, and a subject having the password of the show receiving apparatus is described in the first electronic mail." However, Hiramoto discloses (§¶0214-§¶0217) that the control command (email) transferred between mobile telephone and reproducing device includes a secret number as represented in Fig. 33. Hiramoto further discloses (§¶0222) that each device is assigned with a unique secret number and the secret number of mobile device must match with the secret number stored in the storing unit as represented in Fig. 29. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis and Proehl's inventions by including password assigned for a receiving device as

taught by Hiramoto in order to correctly identify the receiving device so no other devices in the network can receive the broadcast program.

Regarding **claim 12**, "the view programming system wherein the view programming apparatus determines that an electronic mail having the password is determined as the second electronic mail, among received electronic mails" Hiramoto discloses (§0214-§0217 and §0222) that the control command (email) that includes a secret number is exchanged between mobile telephone and reproducing device as represented in Fig. 33. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to modify Ellis and Proehl's inventions by including password assigned for a receiving device as taught by Hiramoto in order to correctly identify the receiving device so no other devices in the network can receive the broadcast program.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pinkal Chokshi/
Examiner, Art Unit 2425

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425